

*Ottoman Empire*¹

COMMERCE AND NAVIGATION

Treaty and separate act containing secret article signed at Constantinople May 7, 1830

Senate advice and consent to ratification, excepting separate and secret article, February 1, 1831

Ratified by the President of the United States February 2, 1831

Ratified by the Ottoman Government on or shortly before October 5, 1831

Ratifications exchanged at Constantinople October 5, 1831

Entered into force October 5, 1831

Proclaimed by the President of the United States February 4, 1832

*Modified by treaty of February 25, 1862*²

*Privileges and immunities enjoyed by United States citizens in Serbia surrendered by convention signed at Belgrade October 14, 1881*³

*Superseded February 15, 1933, by treaty signed for the United States and Turkey October 28, 1931*⁴

8 Stat. 408; Treaty Series 267

TREATY

[PROCLAIMED TRANSLATION]⁵

The object of this firm Instrument, and the motive of this writing well drawn up, is that:

No Treaty or diplomatic and official convention, having, heretofore, existed, between the Sublime Porte of perpetual duration, and the United

¹ See also TURKEY, *post*, vol. 11.

² TS 268, *post*, p. 628.

³ TS 320, *post*, vol. 12, YUGOSLAVIA.

⁴ TS 859, *post*, vol. 11, TURKEY.

⁵ For a detailed study of the negotiations and the various texts of this treaty, see 3 Miller 541. The Turkish text was translated in 1931, in connection with the publication of the Hunter Miller series, by Dr. J. H. Kramers, of Leiden, in collaboration with Professor C. Snouck Hurgronje. Dr. Kramers' translation is printed herein following the proclaimed translation.

States of America; at this time, in consideration of the desire formerly expressed, and of repeated propositions which have, lately, been renewed by that Power, and in consequence of the wish entertained by the Sublime Porte, to testify to the United States of America, its sentiments of friendship, We the undersigned Commissioner, invested with the high Office of Chief of the Chancery of State, of the Sublime Porte existing forever, having been permitted by His very noble Imperial Majesty, to negotiate and conclude a Treaty, and having thereupon conferred with our friend, the Honorable Charles Rhind, who has come to this Imperial Residence, furnished with full powers, to negotiate, settle and conclude, the Articles of a Treaty, separately and jointly, with the other two Commissioners, Commodore Biddle and David Offley, now at Smyrna, Have arranged, agreed upon and concluded, the following articles.

ARTICLE I

Merchants of the Sublime Porte, whether Mussulmans or Rayahs, going and coming in, the countries, provinces and ports, of the United States of America, or proceeding from one port to another, or from the ports of the United States to those of other countries, shall pay the same duties and other imposts, that are paid by the most favored nations; and they shall not be vexed by the exaction of higher duties; and in travelling by sea and by land, all the privileges and distinctions observed towards the subjects of other Powers, shall serve as a rule, and shall be observed, towards the Merchants and subjects of the Sublime Porte. In like manner, American merchants who shall come to the well defended countries and ports of the Sublime Porte, shall pay the same duties and other imposts, that are paid by merchants of the most favored friendly Powers, and they shall not, in any way, be vexed or molested. On both sides, travelling passports shall be granted.

ARTICLE II

The Sublime Porte may establish Shahbenders (Consuls) in the United States of America; and the United States may appoint their citizens to be Consuls or Vice-Consuls, at the commercial places in the dominions of the Sublime Porte, where it shall be found needful to superintend the affairs of commerce. These Consuls or Vice-Consuls shall be furnished with Berats or Firmans; they shall enjoy suitable distinction, and shall have necessary aid and protection.

ARTICLE III

American merchants established in the well-defended states of the Sublime Porte, for purposes of commerce, shall have liberty to employ Semsars (brokers) of any nation or religion, in like manner as merchants of other friendly Powers; and they shall not be disturbed in their affairs, nor shall they be treated, in any way, contrary to established usages. American vessels

arriving at, or departing from the ports of the Ottoman Empire, shall not be subjected to greater visit, by the Officers of the Custom-House and the Chancery of the Port, than vessels of the most favored Nations.

ARTICLE IV

If litigations and disputes should arise, between subjects of the Sublime Porte and citizens of the United States, the parties shall not be heard, nor shall judgment be pronounced, unless the American Dragoman be present. Causes, in which, the sum may exceed five hundred piastres, shall be submitted to the Sublime Porte, to be decided according to the laws of equity and justice. Citizens of the United States of America, quietly pursuing their commerce, and not being charged or convicted, of any crime or offence, shall not be molested; and even when they may have committed some offence, they shall not be arrested and put in prison, by the local authorities, but they shall be tried by their Minister or Consul, and punished according to their offence, following in this respect, the usage observed towards other Franks.

ARTICLE V

American merchant vessels that trade to the dominions of the Sublime Porte, may go and come in perfect safety with their own flag; but they shall not take the flag of any other Power, nor shall they grant their flag to the vessels of other Nations and Powers, nor to vessels of Rayahs. The Minister, Consuls and Vice-Consuls of the United States, shall not protect, secretly or publicly, the Rayahs of the Sublime Porte, and they shall never suffer a departure from the principles here laid down, and agreed to, by mutual consent.

ARTICLE VI

Vessels of war of the two contracting parties, shall observe towards each other, demonstrations of friendship and good intelligence, according to naval usage; and towards merchant vessels they shall exhibit the same kind and courteous manner.

ARTICLE VII

Merchant vessels of the United States, in like manner as vessels of the most favored nations, shall have liberty to pass the canal of the Imperial Residence, and go and come in the Black sea, either laden or in ballast; and they may be laden with the produce, manufactures and effects, of the Ottoman Empire, excepting such as are prohibited, as well as of their own country.

ARTICLE VIII

Merchant vessels of two Contracting Parties shall not be forcibly taken, for the shipment of troops, munitions and other objects of war, if the Captains or Proprietors of the vessels, shall be unwilling to freight them.

ARTICLE IX

If any merchant vessel of either of the contracting parties, should be wrecked, assistance and protection shall be afforded to those of the crew that may be saved; and the merchandise and effects, which it may be possible to save and recover, shall be conveyed to the Consul, nearest to the place of the wreck, to be, by him, delivered to the Proprietors.

CONCLUSION

The foregoing articles, agreed upon and concluded, between the Riasset (Chancery of State) and the above mentioned Commissioner of the United States, when signed by the other two Commissioners, shall be exchanged. In ten months, from the date of this *Temessuck* or instrument of Treaty, the exchange of the ratifications of the two Powers shall be made, and the articles of this Treaty shall have full force and be strictly observed, by the two Contracting Powers.

Given the 14 day of the moon Zilcaade, and in the year of the Hegira, 1245, corresponding with the 7 day of May of the year 1830, of the Christian Era.

MOHAMMED HAMED ⁶
Reis-ul-Kutab (Reis Effendi) [SEAL]

[1931 TRANSLATION] ⁷

The reason of the writing of this document and the motive of the drawing up of this writ are as follows:

As there does not exist as yet any kind of official treaty between the everlasting Sublime Government and the Government of the United States of America, now, with regard to the wish and desire that are exhibited and manifested formerly and latterly by the said Government, and to the observance of a friendly and amical attitude by the Sublime Government towards the Government of the United States of America, we, the undersigned functionary, occupying the elevated degree of Chief of the Secretaries of the ever-stable Sublime Government and of the exalted Sultanate, eternally enduring, having been authorized by the Most Noble Imperial Excellence to negotiate and arrange this matter, there have been negotiations between us and our friend the Honorable Charles Rhind, who has been authorized and commissioned by the aforesaid Government with complete authority

⁶ The American negotiator, Charles Rhind, reported that "the Reis Effendi after a short Conversation signed & sealed the Treaty in Turkish and I did the same with the French translation & we exchanged them". The two other American Commissioners, Commodore James Biddle and David Offley, signed the French text on May 30. (3 Miller 560-575.)

⁷ 3 Miller 551.

to conclude and fasten the matter of the treaty, separately by coming to the Gate of Felicity and jointly with the functionaries named Commodore Biddle and David Offley, now being in the town of Smyrna, as a result of which negotiations, have been drawn up and settled the articles that are mentioned and established hereafter.

FIRST ARTICLE

If the Mohammedan and subjected merchants of the Sublime Government visit the dominions, provinces, harbors, and ports under the authority of the American Government, or proceed from one port to another port or from American ports to ports of other dominions, they shall pay the custom and other duties in the same way as merchants belonging to governments that are granted a more favored treatment, and they shall not be troubled with higher demands.

On sea and on their other journeys, all exemptions and other privileges that are observed with regard to the said governments shall be observed and taken as the line of conduct with regard to the merchants and subjected people of the Sublime Government.

Likewise, the American merchants visiting the well-protected dominions and the harbors and ports of the Sublime Government for the purpose of commerce, shall pay their custom and other duties in the same way as the merchants belonging to those befriended governments that are granted a more favorable treatment, and they shall in no other wise be molested or interfered with. By both parties the required way-papers shall be given.

SECOND ARTICLE

It shall be allowed to the Sublime Government to institute shahbenders in the dominions of America, and likewise to the American Government to appoint and institute, together with the imperial diplomas and orders, consuls and vice consuls belonging to their own kind, for the administration of their commercial affairs, in the localities that are commercial places and where the necessity has become manifest; with regard to them the suitable privileges and the necessary protection and guard shall be observed.

THIRD ARTICLE

The brokers whom American merchants residing for purposes of commerce in the well-protected dominions, just as the merchants belonging to other friendly governments, take into their service for their commercial affairs, to whatever community or creed they belong—this shall not be interfered with nor shall this be treated contrary to usage. American merchant ships coming to the ports of the well-protected dominions, and also at the time of their departure, shall not be searched by the functionaries of the customhouse and of the port to a greater extent than the ships of the aforesaid governments.

FOURTH ARTICLE

If disputes and litigations should occur between the subjects and subjected people of the Sublime Government and the subjects of the American Government, if their dragoman is not present, there shall be no hearing or decision of the matter. Those of their litigations which exceed five hundred piasters shall be transferred to the Threshold and be dealt with according to right and justice. As long as American subjects occupy themselves, within the limits of their position, with their commerce, while no accusation or crime is ascertained, they shall not be interfered with or molested without cause; and even if they come under accusation, they shall not be imprisoned by the authorities or the police officers, but, in the same way as other persons living under a peace treaty are treated, the suitable punishment shall be applied to them with the cognizance of their minister and consuls.

FIFTH ARTICLE

It has been decided that the American merchant vessels, visiting the well-protected dominions, may pass and travel with their own flags, in increased safety and security, provided that they do not take and use the flags of other governments; that they do not give the American flag to ships belonging to other governments or to other kinds of people, or to the boats of the subjected people; that their ministers, consuls, and vice consuls shall not deliver *patentas* to the subjected people of the Sublime Government or sustain them secretly and openly. It shall not be allowed in any way to behave and act contrary to these principles.

SIXTH ARTICLE

If war vessels belonging to both parties meet with each other, they shall show friendship and recognition to each other, according to the sea rules. Equally, if they meet with merchant ships, both parties shall act in a friendly way.

SEVENTH ARTICLE

In accordance with the treatment of the above-mentioned friendly governments it shall be allowed to the merchant ships of the American Government, in case they are empty of cargo, and equally when laden with products of their own country or with non-prohibited wares and goods of the products of the well-protected dominions, to visit the Black Sea by passing through the Strait of the Imperial Abode of the Sultanate.

EIGHTH ARTICLE

If the captains and owners of the merchant ships of both Governments, or their agents, do not wish to consent to the chartering of their ships with their free will and approbation, it shall not be allowed to take the ships from

them in an illegal way to load them with soldiers, ammunition, and materials of war.

NINTH ARTICLE

If a merchant ship belonging to one of the parties meets with disaster and is shipwrecked, those persons of the crew who may have escaped shall be protected, and the wares and goods belonging to the cargo which it has been possible to save, shall be delivered, as soon as they are found, to the nearest American consul, so that notice may be given to the persons entitled.

CONCLUSION

It has been agreed upon in the form placed above between the office of the Chief (of the Secretaries) and the aforesaid functionary; after this treaty document shall have been undersigned by the two aforesaid functionaries, and after the exchange of the ratifications by both parties within ten months after the date of the exchange of this document, the established articles shall be observed and fixed between the two Governments.

Written on the fourteenth day of the noble month of Zilcaade of the year twelve hundred and forty-five.

He who beseeches the generous King for his assistance,

MEHMED HAMID⁸
Chief of the Secretaries

SEPARATE ACT CONTAINING A SECRET ARTICLE

[1830 TRANSLATION]

The motive of this firm writing and the cause of this instrument, well drawn out, is that, no treaty or official and diplomatic convention having until now existed between the Sublime Porte, of perpetual duration, and the United States of America; at this time we, the undersigned, invested with the high rank of the *Riasset* (office of Reis Effendi) of the Sublime Porte, existing forever, having been permitted by His Very Noble Imperial Majesty to treat with the Honorable (firm) Charles Rhind, our friend, who has come to this Imperial Residence with full powers to negotiate and conclude a treaty, separately, and conjointly with the other two Commissioners, Commodore Biddle and David Offley, have concluded and exchanged the articles of a treaty, which are hereafter to be signed by the other two aforesaid Commissioners.

This new treaty having thus been concluded, sincere and increased friendship being thereby established, and mutual advantages secured, it is agreed by our friend aforesaid, in testimony of the pure friendship of the United States towards the Sublime Porte and on account of the abundance and

⁸ See footnote 6, p. 622.

durability of the timber and the cheapness of construction in the United States, that whenever the Sublime Porte may wish to build any number of *caiks*,⁹ frigates, corvettes, or brigs of war in the United States, the *Riasset* shall take the counsel and advice of their Minister Resident near the Sublime Porte; and in whatever way it may be talked of and mentioned, as to the expense and time of construction and the mode of conveying the ships to the Imperial Residence, in that way it shall be fixed, according to a contract, so that the ships may be constructed by the models furnished from this Imperial Admiralty and be as well built as vessels of the United States, and at no greater cost.

So, also, again, if it be desired, the two Commissioners shall arrange that the ships built in the United States be not sent to the Imperial Admiralty (Constantinople) in ballast, but that each ship be laden with a quantity of timber sufficient for the construction of another ship of equal dimensions and of the same cost as similar ships of the United States, the timber having been cut in its place according to measures furnished therefor.

After the above-mentioned treaty shall have been signed by the aforesaid Commissioners, this separate article, to be added to that treaty as a secret article, shall also be signed.

In ten months from the date of this *temessuck*, or instrument of treaty, the ratifications shall be exchanged.

He who asks assistance from God, the King, the Giver of Good.

MEHMED HAMID¹⁰

Reis-ul-Kuttab (i.e., Reis Effendi)

Written the fourteenth day of Zilcaade the noble, and in the year 1245.

[1931 TRANSLATION]

The reason of the writing of this document and the motive of the drawing up of this writ are as follows:

As there has not been concluded heretofore any kind of official treaty between the everlasting Sublime Government and the Government of the United States of America, now, as we, the undersigned functionary, occupying the elevated degree of Chief of the Secretaries of the ever-stable Sublime Government and of the exalted Sultanate, eternally enduring, have been authorized by the Most Noble Imperial Excellency, there have been negotiations between us and our friend Charles Rhind, who has been charged and commissioned with complete authority by the aforesaid Government, sepa-

⁹ "Caiks" or "caiques" here is erroneous. The Turkish is "kapaks", meaning "two-deckers." (3 Miller 579.)

¹⁰ Like the treaty proper, the separate and secret article was signed in Turkish on May 7, 1830, by the Reis Effendi, and delivered to Charles Rhind in exchange for the French version thereof signed by Mr. Rhind, which was later, on May 30, signed by his colleagues Commodore Biddle and David Offley. (3 Miller 575.)

rately by coming to the Gate of Felicity and jointly with the functionaries named Commodore Biddle and David Offley, now being in the town of Smyrna.

The documents containing the treaty articles that have been drawn up and established as a result of these negotiations, have been exchanged and will be undersigned hereafter by the two aforesaid functionaries.

Now that in this way a new treaty and an increased friendship and amity have been established between the two Governments, in observance of the principles of mutual profit and common interest and with regard to the fact that in the state of America timber is abundant and strong and that the building expenses are there light and small, the aforesaid functionary, our friend, in confirmation of the sincere feelings of the said Government towards the glorious Imperial Sultanate, has contracted the obligation that, whenever the Sublime Government shall order the building and construction in the dominion of America of whatever quantity of war vessels, such as two-deckers, frigates, corvettes, and brigs, this shall be communicated and notified by the office of the Chief (of the Secretaries) to the functionary of the said Government who will be at that time at the Gate of Felicity; that there shall be drawn up a contractual document stating in which way it has been negotiated and agreed upon with regard to the building expenses, the time of construction, and also to the mode of sending and conveying to the Gate of Felicity, according to which contract the required ships shall be built and constructed after the design and model to be fixed and explained by the Imperial Arsenal, so as to be as strong and tight as the Government ships of the said Government, and provided that the building expenses be not higher than the expenses of the war ships of the said Government; and that, in case of an order being given, and so as to prevent the required ships from arriving empty at the Imperial Arsenal, there shall be negotiations between the functionaries of both parties, according to which there shall be laden and sent in each ship the timber necessary for the construction of another ship like that ship itself, provided that the price be in accordance with the official price of the said Government and that the material be calculated carefully and prepared in its place, after having been cut and well executed according to the measure.

This separate article, after having been signed by the two aforesaid functionaries, is destined to be a secret article and to be counted as a part of the mentioned treaty. By the exchange of the ratifications within ten months after the day of this document, it shall be observed in every way.

Written on the fourteenth day of the noble month of Zilcaade of the year twelve hundred and forty-five.

He who beseeches the generous King for his assistance,

MEHMED HAMID ¹⁰
Chief of the Secretaries